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a decree for plaintiff, defendant appeals. Reversed, and bill dismissed.

Cabell, Walbridge & L'Anson, for appellant.

G. M. Dillard and John G. Tilton, for appellee.

COMMERCIAL TRUST CO. et al. v. FIRST NAT. BANK OF RICHMOND.

March 9, 1911.

[70 S. E. 532.]

Appeal and Error (§ 1097*)—Affirmance—Matter Disposed of on Former Appeal.—It appearing that the subject of an appeal was finally disposed of on a former appeal, the judgment will be affirmed.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4358-4368; Dec. Dig. § 1097.* 1 Va.-W. Va. Enc. Dig. 651.]

Appeal from Chancery Court of Richmond.

Suit by S. H. Hawes & Co. against the William R. Trigg Company and others. From a decree, the Commercial Trust Company, trustee, and others appeal, adversely to the First National Bank of Richmond, Va. Affirmed.

Eppa Hunton and R. G. Bickford, for appellant.

Gco. Bryan, for appellee.

AMERICAN NAT. BANK OF WASHINGTON, D. C., v. TAYLOR et al.

March 9, 1911.

[70 S. E. 534.]

1. Husband and Wife (§ 14*)—Conveyance to Husband and Wife—Nature of Title.—Code 1887, § 2430 (Code 1904, p. 1187), provides that, if any estate be conveyed to a husband and his wife, they shall take by moieties. T. conveyed certain land to his son by deed, providing that T. and his wife were to have the use of the same for life, with the right to participate in the consideration in case of a sale. T.'s wife having died, the son executed a deed of trust on the land, in which T. joined, to secure the son's debt, and thereafter T. sold all his interest in the land to the son, on condition of his agreement to pay him \$50 every four months as long as T. lived. Held, that the exception in the deed created a life estate in the use of the property in T. and his wife as tenants in common, each of a

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.